

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 18, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK IVAN JIM,

Defendant - Appellant.

No. 18-2144
(D.C. No. 1:10-CR-02653-JB-1)
(D. N.M.)

ORDER

This matter is before the court on Appellant's Motion to Supplement the Record on Appeal. The motion is granted.

Within 10 days of the date of this order, the Clerk of the U.S. District Court for the District of New Mexico shall prepare and transmit to the Clerk of this court a supplement to the record on appeal consisting of the items identified in Appellant's motion, a copy of which is attached to this order.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,)	Case No. 18-2144
)	
Plaintiff-Appellee,)	D. Ct. No. 1:10-cr-02653-JB
)	
v.)	District of New Mexico
)	
DERRICK IVAN JIM,)	
)	
Defendant- Appellant.)	

APPELLANT’S UNOPPOSED MOTION TO SUPPLEMENT RECORD

Appellant Derrick Ivan Jim, through counsel, and unopposed by the government, moves to supplement the record on appeal. In support of this request, counsel states:

1. Mr. Jim requests that the record on appeal be supplemented with the following documents. Each is relevant to this appeal, has not yet been made part of the appellate record, and can be added to the record on appeal by the district court:

- a. The original Presentence Report (PSR) from 2012, along with the first and second addendum to the Presentence Report. Although the PSR was not filed on the district court docket, *see* ROA vol. 1 at 41, it is in the possession of the district court, which provided it as part of the record on appeal during Mr. Jim’s first appeal.

- b. Document 25 from the district court docket, which is the signed plea agreement.
- c. Document 26 from the district court docket, which is the minutes from Mr. Jim's change of plea hearing on February 8, 2011.
- d. Document 53 from the district court docket, which is the Memorandum Opinion and Order permitting Mr. Jim to withdraw his guilty plea.
- e. Document 145 from the district court docket, which is the transcript from one day of Mr. Jim's trial (February 22, 2012).
- f. Document 151 from the district court docket, Mr. Jim's Sentencing Memorandum and Objections and Comments to the Presentence Report from the 2012 sentencing.
- g. Document 164 from the district court docket, which is the Memorandum Opinion and Order following the first sentencing hearing.
- h. Document 176 from the district court docket, which is the transcript of his original 2012 sentencing hearing.
- i. Document 220 from the district court docket, which is hidden from public view. It is the sealed forensic evaluation report of Dr. Cave.

2. Mr. Jim is incarcerated at the Bureau of Prisons, serving two concurrent life sentences in this case.

3. The government does not oppose this request.

Wherefore, Appellant Derrick Ivan Jim respectfully requests that this motion be granted and that the record on appeal be supplemented as requested.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

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Counsel for Appellant
Derrick Ivan Jim

CERTIFICATIONS

I hereby certify that the following is true and correct to the best of my knowledge and belief, formed after a reasonable inquiry:

- 1) This body of this brief is proportionally spaced and contains 345 words and therefore complies with the applicable type-volume limitations.
- 2) Any required privacy redactions have been made.
- 3) If required to file additional hard copies, the ECF submission is, with the exception of any redactions, an exact copy of those hard copies.
- 4) The ECF submission was scanned for viruses with the most recent version of a commercial virus scanning program Symantec AntiVirus Corporate Edition, which is continuously updated, and, according to the program is free of viruses.
- 5) On April 18, 2019, I electronically filed the foregoing using the CM/ECF system, which will send notification of this filing to opposing counsel:
Jennifer Rozzoni, AUSA, Email: Jennifer.rozzoni@usdoj.gov
- 6) I sent a copy of the foregoing, via U.S. Mail, to Derrick Ivan Jim.

/s/ Shira Kieval
SHIRA KIEVAL
Assistant Federal Public Defender